

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

VLADIMIR V. PANCHENKO,

CV. 04-1730-JO

Petitioner,

ORDER

v.

ALBERTO GONZALES, ATTORNEY
GENERAL OF THE UNITED STATES,
AND MICHAEL CHERTOFF,
SECRETARY, DEPARTMENT OF
HOMELAND SECURITY, OFFICER IN
CHARGE, PORTLAND DISTRICT
DIRECTOR, IMMIGRATION AND
CUSTOMS ENFORCEMENT, OR, ANY
PERSON HAVING ACTUAL PHYSICAL
CUSTODY OF PETITIONER,

Respondents.

JONES, District Judge.

This 28 U.S.C. § 2241 habeas corpus action comes before the court on respondents' Motion to Dismiss, or in the alternative, Motion to Transfer to the Ninth Circuit (#18). Both petitioner and respondents agree that pursuant to the amendments to 8 U.S.C. § 1252, also known as the Real ID Act of 2005, which became

effective on May 11, 2005, this court lacks jurisdiction to entertain petitioner's claims and should transfer this case to the Ninth Circuit Court of Appeals.¹ Accordingly, the Clerk of the Court is DIRECTED TO TRANSFER this case to the Ninth Circuit Court of Appeals for further proceedings on the basis that this court lacks jurisdiction. Petitioner's request for a stay of removal pending this court's transfer determination is DENIED on the basis that the court concluded that a transfer to the Ninth Circuit Court of Appeals is appropriate.

CONCLUSION

Respondents' Motion to Dismiss, or in the alternative, Motion to Transfer to the Ninth Circuit (#18) is GRANTED to the extent that the Clerk of the Court is DIRECTED TO TRANSFER this case to the Ninth Circuit Court of Appeals for further proceedings.

IT IS SO ORDERED.

DATED this 22nd day of July, 2005.

/s/ Robert E. Jones

Robert E. Jones
United States District Judge

¹ Respondents also ask the court to find that petitioner failed to exhaust his administrative remedies. As this court lacks jurisdiction over this case, it declines to address respondents' exhaustion argument.